

Remarks/Argument

Claims 9-45 remain pending upon entry of this amendment. Applicants respectfully request reconsideration of the application in view of the following remarks submitted in support thereof. The current status of the claims is summarized below.

Claims 9 and 35 are currently amended.

Claims 1-8 have been cancelled.

Claims 22-34 are indicated as allowed.

Claims 9-45 remain pending after entry of this amendment.

Rejections under 35 U.S.C. §101

Claims 1-21 and 35-45 were rejected due to non-statutory subject matter being claimed. Applicants have amended independent claims 9 and 35 to include claim language that recite a statutory subject matter. Specifically, independent claims 9 and 35 have been amended to include hardware, such as a processor, thereby directing the independent claims and their respective dependent claims to a machine, which is a patentable subject matter. Based on the amendment, the Applicants request withdrawal of 101 rejection on claims 9 and 35 and the respective dependent claims 10-21, 36-45 which directly or indirectly depend on the amended independent claims.

Rejections under 35 U.S.C. §102

Claims 1-8 were rejected under 102(e) as being anticipated by Tucker et al U.S. Publication No. 2004/0226019 A1 (hereinafter referred as “Tucker”).
Applicants have cancelled claims 1-8.

Allowable Subject Matter:

The Examiner has indicated that claims 22-34 are allowed. The Examiner has further indicated that claims 9-21 and 35-45 will be allowable if rewritten to overcome the 101 non-statutory rejection. Applicants have amended independent claims 9 and 35 to recite patentable subject matter. Based on the amendment, the Applicants request the withdrawal of 101 rejection on claims 9-21 and 35-45.

The Applicants submit that claims 9-45 are in a condition for allowance and request a notice of Allowance. In view of the foregoing, Applicants respectfully request reconsideration of claims 9-45. Accordingly, a notice of allowance is

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respectfully requested. If Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6905. If any additional fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP465). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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